REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

The present application contains claims 1-7, 10-16 and 31-37. Claims 1, 10, and 37 are independent.

Applicant has amended claims 1, 10 and 31 to better describe the present invention by including the limitation "analyzing time dependent changes in cross talk levels and line attenuation at the second end of the channel". The amendment to the claims is fully supported by the application as originally filed, for example, at page 4, lines 23-24; page 6, lines 4-5; and page 10, lines 15-17. The amendment is for clarity with respect to the specification and Drawings, and not fore any reason related to a statutory requirement.

The Examiner rejected claims 1-7, 10-16 and 31-37 under U.S.C. 102 (e) as being anticipated by Levin (U.S. Patent No. 6,130,882), hereinafter referred to as Levin.

The Examiner stated in the Response to Amendments/Remarks of the Office Action that Levin "at col. 1, lines 37-57 and col. 2, lines 1-8, 51-61; col. 3, lines 50-65; col. 4, lines 1-35, disclosing the features such as noise and signal to noise ratio determination and storage inherent as part of the ADSL communications including disclosure regarding calculations and exchange of application specific parameter [...]".

Applicant respectfully disagrees.

Levin at col. 1, lines 37-57 describes frequency bins of a DMT technique; Levin at col. 2, lines 1-8 discusses how "system performance of an ADSL system is dependent on its ability to accurately determine performance margins for an application specific data rate and bit error rate"; Levin at col. 2, lines 51-61 discusses, upon receiving initial blind options from the central office, how a "remote terminal 20 would reject all options or select one. Where one is selected, the remote terminal would calculate a performance margin at that data rate, and return the performance margin to the central office 30. The central office, upon receiving the selected data rate and the corresponding performance margin, would then make a determination as to whether or not to transmit additional data rate suggestions to the remote terminal."

Levin at col. 3, lines 50-65; col. 4, lines 1-35 describes the steps being taken at the initialization of the channel, at both the remote terminal and the central office: "Once a communication channel is open between the remote terminal and the central office, the remote terminal transmits channel specific information, application specific information, or both to the central office. [...]" (col. 3 lines 50-55); "Steps 20 through 31 of the method of Figure 2 represent an initialization of an ADSL system" (col. 3, line 67 to col. 4, line 2).

Hence, Levin does not teach or suggest a step of storing measurement information, both at initialization and at show time for the purpose of analyzing time dependent changes in cross talk levels and line attenuation.

A person skilled in the art, when reading the description of the present invention, would readily understand the difference between the actions taking place during the initialization and during the show time, and the significant advantage of analyzing the cross talk levels and line attenuation in a time dependent manner.

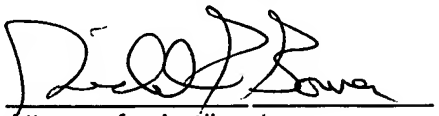
For at least the reason that Levin does not teach or suggest storing measurement information, both at initialization and at show time, the claimed steps of "determining and storing on a per bin basis channel frequency response and noise measurements at a first end of the channel at initialization; determining and storing a signal-to-noise measurement on a per bin basis at the first end at show time; analyzing time dependent changes in cross talk levels and line attenuation at the second end of the channel" are novel and inventive in view of Levin.

Therefore, Levin fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(e), and provides no teaching that would have suggested the desirability of modification to include such features.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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